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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/692,955	10/24/2003	Thomas J. Fowler	LEAR 03771 PUS / 03771	1880
34007	7590	01/11/2005	EXAMINER	
BROOKS KUSHMAN P.C. / LEAR CORPORATION			WUJCIAK, ALFRED J	
1000 TOWN CENTER			ART UNIT	
TWENTY-SECOND FLOOR			PAPER NUMBER	
SOUTHFIELD, MI 48075-1238			3632	

DATE MAILED: 01/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/692,955

Applicant(s)

FOWLER ET AL.

Examiner

Alfred Joseph Wujciak III

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 October 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1 and 3-9 is/are allowed.
- 6) ☒ Claim(s) 10-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>10/24/03</u> . | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

This is the final Office Action for the serial number 10/692,955, INSTRUMENT PANEL SYSTEM, filed on 10/24/03.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 10-14 and 20-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Petrilli in view of US Patent # 5,148,282 to Sedighzadeh.

Petrilli teaches an instrument panel system (figure 1) comprising an instrument panel (10) having an opening (23) configured to receive one of a plurality of devices (15a, 15b, 15c). The opening has an area and each of the plurality of devices has an area substantially less than the area of the opening. The system includes a removably attachable secondary panel (52) for covering a portion of the opening. The secondary panel forming an intermediate surface (36) visible to the occupant. Wherein the surface of the secondary panel visible to the occupant substantially matches the surface of the instrument panel visible to the occupant. The instrument panel and secondary panel are configured to meet so that the instrument panel and secondary panels appear substantially integral to the occupant. The secondary panel is removably attachable by the occupant. The system further comprises at least one additional secondary panel (51) having a different appearance than the secondary panel (figure 2). The secondary panel

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comprises an opaque portion (col. 4, lines 33-34) and a transparent portion (window, col. 4, line 3). The at least one display comprises at least one cathode ray tube display unit (col. 3, line 24).

Petrilli teaches the secondary panel but fails to teach the secondary panel comprising a one-way light transmissible material. Sedighzadeh teaches the secondary panel (64) comprising a one-way light transmissible material (70, col. 2, lines 30-35). It would have been obvious for one of ordinary skill in the art at the time the invention was made to have added the one-way light transmissible material to Petrilli's secondary panel as taught by Sedighzadeh to provide improvement in aesthetic on the instrument panel.

Claims 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Petrilli in view of Sedighzadeh and in further view of US Patent # 4,644,512 to Grilk.

Petrilli teaches the at least one display comprises a depth finder (col. 3, line 22) but fails to teach the depth finder comprising at least one light emitting diode (LED) or liquid crystal display unit. Grilk teaches the depth finder (figure 2) comprising at least one light emitting diode (col. 1, lines 7-8) or liquid crystal display unit (col. 2, line 7). It would have been obvious for one of ordinary skill in the art at the time the invention was made to have modified Petrilli's depth finder with LED or liquid crystal display unit as taught by Grilk to provide additional information for detecting the depth of water.

Claims 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Petrilli in view of Sedighzadeh and in further view of US Patent # 4,624,114 to Soleau.

Petrilli teaches the at least one display but fails to teach the at least one display comprises a control panel with at least one touch activated switch. Soleau teaches the at least one display

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comprises a control panel (42) with at least one touch activated switch (172). It would have been obvious for one of ordinary skill in the art at the time the invention was made to have added control panel to Petrilli's at least one display as taught by Soleau to provide control of a vehicle system.

Allowable Subject Matter

Claims 1 and 3-9 are allowed.

The following is an examiner's statement of reasons for allowance: The prior art fails to teach wherein the intermediate surface substantially surrounds the device.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Response to Arguments

Applicant's arguments filed 10/28/04 have been fully considered but they are not persuasive.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching,

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suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Petrilli and Sedighzadeh teach cover for monitor, display or electronic equipment with visual surface such as window, plexiglass or clear surface that allow a user to view through the surface to check on the monitor, display or electronic equipment without opening the cover. Since Petrilli and Sedighzadeh teach similar invention and that the examiner is allowed to use Sedighzadeh as a secondary with a one-way light transmissible material to replace Petrilli's window to provide improvement in aesthetic on the panel.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alfred Joseph Wujciak III whose telephone number is (703) 306-5994. The examiner can normally be reached on 8am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leslie A Braun can be reached on 703 308 2156. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Alfred Joseph Wujciak III
Examiner
Art Unit 3632 *AW*


ANITA KING
PRIMARY EXAMINER

1/4/05